

AUG-14-2003, 15:53

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847 490 1403 P.01

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AND RELATED MATTERS

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To: Examiner Mark Tsidulko  
Art Unit 2875

Fax No.: 703.872.9319

Company: U.S. Patent and Trademark Office

From: Kevin D. Erickson

Re: U.S. Ser. No. 10/006,250

Date: 14 August 2003

Number of pages being transmitted, including cover sheet: 6

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AUG 14 2003

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Applicants: Steve LEE  
Shui Yu LEE

Serial No.: 10/006,250

Filing Date: 04 December 2001

Title: DECORATIVE LIGHT BULB

Group No.: 2875

Examiner: M. Tsidulko

## RESPONSE AFTER FINAL REJECTION

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

OFFICIAL

Dear Sir:

In response to the Office Action mailed 14 April 2003, Applicants respectfully request reconsideration of the subject patent application in view of the following remarks.

## Claim Rejections - 35 U.S.C. §103

Claims 1-18 have been rejected under 35 U.S.C. §103(a) as unpatentable over Lee, U.S. Patent 6,247,829, in view of Henning et al., U.S. Patent

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

KEVIN D. ERICKSON

Type or print name of person signing certification

K.D. CLK 14 AUGUST 2003

Signature

Date

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K/S

Serial No.: 10/006,250

4,598,229, and further in view of Hilderman, U.S. Patent 5,030,100. The Examiner alleges that the Lee Patent teaches much of the claimed invention with the exception of the surface features allegedly taught by the Hilderman Patent and the coating on an inner surface allegedly taught by the Henning et al. Patent. Applicants respectfully traverse this rejection in view of the previously filed Declaration and the following remarks.

Applicants previously submitted the Declaration of Steve Lee Under 37 C.F.R. §1.31 swearing behind the issue date of the Lee Patent thereby disqualifying the Lee Patent as prior art under §102(a). Applicants noted that the Lee Patent and the subject patent application are commonly owned by Lumisource, Inc. Accordingly, under 35 U.S.C. §103(c), the Lee Patent cannot preclude patentability of the subject patent application.

The Examiner has indicated that the Declaration was ineffective for failure to establish reduction to prior to the effective date of the reference. Applicants urge that the effective date is the issue date not the filing date of the Lee Patent. Applicants have enclosed a timeline from the U.S. Patent and Trademark Office guide to swearing behind references. Applicants urge that the attached timeline reflects the exact circumstances of the subject Declaration and therefore the subject Declaration should effectively swear behind the Lee Patent.

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Accordingly, Applicants urge that the Hilderman Patent and the Henning et al. Patent, in combination, do not teach or suggest a decorative light bulb that includes an outer surface forming a decorative shape having one or more inert gases within the decorative light bulb creating ethereal electrical arcing having a first color. In addition, the combination of the Hilderman Patent and the Henning et al. Patent do not teach or suggest a surface feature formed on the outer surface of the decorative light bulb, the surface feature having an inner surface wherein a coating applied on the inner surface of the surface feature results in ethereal electrical arcing having a second color along the inner surface of the surface feature. Applicants urge that the subject patent application is allowable in view of the cited references and early allowance is respectfully requested.

#### **Request for a Telephone Interview**

On or about 16 July 2003, Applicants attempted to contact the Examiner to discuss the facsimile sent on 16 July 2003 regarding the attached timeline. Applicants respectfully request that the Examiner contact the undersigned to discuss any issue that may remain outstanding. Applicants urge that the subject Response does not require any additional search or additional consideration and therefore should result in allowance of the subject U.S. patent application.

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### Extension of Time

Applicants note that a one month extension of time from 14 July 2003 to 14 August 2003 is required for the subject response. Applicants hereby authorize the Commissioner to charge Deposit Account 19-3550 in the amount of \$55.00 for the subject extension.

### Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants urge the Examiner to contact the undersigned, preferably by telephone at 847.490.1400.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully requests early allowance.

Respectfully submitted,

*K.D. Erickson*

Kevin D. Erickson

Reg. No. 38,736

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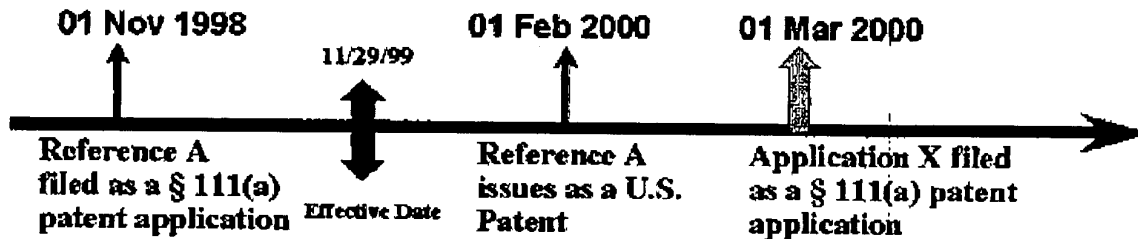
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**Example: Improper Prior Art Exclusions under 35 U.S.C. § 103(c)**

Check to see if the reference that is being excluded **only** qualifies as prior art under 35 U.S.C. § 102(e), (f) or (g) (cont.)

In this example, Reference A is prior art under 35 U.S.C. § 102(a) (issued on 02/01/2000) and § 102(e) (filed on 11/01/1998). Therefore, applicant's attempt to exclude Reference A by just the exclusion under 35 U.S.C. § 103(c) will not be sufficient to overcome the prior art rejection. Applicant will need to take further action such as swearing behind the issue date of Reference A by using a rule 131 declaration or affidavit to disqualify the reference as prior art under § 102(a).

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